

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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APPLE INDUSTRIES, INC.,

Plaintiff,

-against-

**ORDER**  
CV 07-1216(ADS)(ARL)

MERIT INDUSTRIES, INC.,

Defendants.

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**LINDSAY, Magistrate Judge:**

The court is in receipt of a letter from plaintiff's counsel dated March 31, 2008, seeking a sixty day extension of the discovery deadlines and requesting a conference to address the disqualification of the defendant's counsel. The defendant opposes both request.

By order dated March 14, 2008, the court granted the defendant's motion to compel responses to discovery demands served on the plaintiff in August, *sua sponte* required the defendant to respond to any outstanding discovery requests, and extended the discovery deadlines for the third time. Given this history, the court agrees that there is no reason why the plaintiff cannot timely respond to the outstanding requests, however, the court will grant the plaintiff one final thirty day extension so that it can complete discovery. The plaintiff must respond to the outstanding discovery requests by April 30, 2008, and must make itself available for a deposition after the defendant has had an opportunity to review the documents, but before May 26, 2008. All discovery, inclusive of expert discovery, must be completed by June 9, 2008. Any party planning on making a dispositive motion shall take the first step in the motion process by June 23, 2008. The final conference scheduled for May 27, 2008 is adjourned to July 1, 2008 at 11:00 a.m.

The plaintiff's request for a conference to address the disqualification of the defendants' counsel is denied. The plaintiff may file a motion to disqualify counsel.

Dated: Central Islip, New York  
April 7, 2008

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge